



NATIONAL GUARD BUREAU
1636 DEFENSE PENTAGON
WASHINGTON DC 20301-1636

NGB DTM 1300.02
NGB-J1-SAPR
17 October 2022

MEMORANDUM FOR THE ADJUTANTS GENERAL AND THE COMMANDING
GENERAL OF THE DISTRICT OF COLUMBIA

Subject: National Guard Use of Department of Defense DD Form 3114 "Uniform
Command Disposition Report" For Reporting Sexual Assault Information

References: See Attachment D.

1. Purpose. This Directive-Type Memorandum (DTM) establishes interim policy and procedures for using Department of Defense (DoD), DD Form 3114, "Department of Defense Uniform Command Disposition Report," to submit relevant sexual assault case information in accordance with (IAW) references a, b, and c.
2. Cancellation. DD Form 3114 cancels and replaces National Guard Bureau (NGB) Form 1300, "DSAID Subject Case Disposition," (Obsolete) and replaces the use of NGB Form 97, "National Guard Bureau State Report of Disciplinary or Administrative Action."
3. Applicability. This DTM applies to all elements of the National Guard (NG).
4. Policy. It is NGB policy to collect and submit relevant sexual assault case information to the NGB Manpower and Personnel Sexual Assault Prevention and Response Division (NGB-J1-SAPR) for review before entering case dispositions from the States, Territories, and the District of Columbia into the Defense Sexual Assault Incident Database (DSAID).
 - a. The State Sexual Assault Prevention and Response (SAPR) Officer, State Lead, Wing, and Brigade Sexual Assault Response Coordinators (SARCs) (hereinafter referred to as "servicing SARCs") are authorized to collect and submit this information.
 - b. The specific case synopsis and investigative information to complete required fields in DSAID must be submitted on DD Form 3114 found at reference d.
 - c. Adherence to this policy will ensure the entry of accurate information into the DSAID and will facilitate case closure.
5. Responsibilities. See Attachment A.
6. Procedures. See Attachment B.

7. Information Collection Requirements. The completion of all fields on DD Form 3114 is mandatory. See Attachment B for instructions on completing the DD Form 3114. Due to the sensitive nature of the information on this form, the sender will use a secure, encrypted method, such as encrypted emails and “DoD Safe” file exchange at reference e, to transmit the form electronically. See Attachment C for an example of the form.
8. Definitions. See Attachment E.
9. Releasability. This DTM is approved for public release; distribution is unlimited. It is available at <<https://www.ngbpmc.ng.mil/>>.
10. Records Management. This DTM and all records created as a result, regardless of media and format, must be managed IAW the NGB Records Management Program.
11. Compliance. Per the Chief of the National Guard Bureau (CNGB) 5000.01 Issuance Series, the proponent will review this DTM annually on the anniversary of its effective date to either confirm the action has been completed, incorporate the directive into a CNGB Issuance, or to update and extend the DTM’s continued applicability, currency, and consistency with Federal, DoD, and NGB policy and provide validation to the Strategy, Policy, Plans, and International Affairs Directorate and the Directorate of Management and Administration Executive Branch.


DANIEL R. HOKANSON
General, USA
Chief, National Guard Bureau

Attachments:
As stated

ATTACHMENT A
RESPONSIBILITIES

1. NGB-J1-SAPR Compliance and Accountability Branch. The NGB-J1-SAPR Compliance and Accountability Branch will:

a. Oversee DSAID procedures, to include verifying disposition and data integrity prior to case closure by the State SAPR Officer or servicing SARC.

b. Provide information and training to the States, Territories, and the District of Columbia on how to use DD Form 3114.

2. NGB-J1-SAPR Disposition Officer. The NGB-J1-SAPR Disposition Officer will:

a. Complete the appropriate fields in the Legal Officer module of DSAID and notify the Regional Program Managers that the disposition information has been updated in DSAID.

b. Upon verifying and uploading the case synopsis, the Disposition Officer will destroy any electronic or printed versions of DD Form 3114 IAW reference f.

3. NGB-J1-SAPR Regional Program Managers. NGB-J1-SAPR Regional Program Managers will:

a. Review the DD Forms 3114 received from the State SAPR Officer and SARCs ensuring all fields are accurate and complete.

b. Return an incomplete form to the appropriate State SAPR Officer or servicing SARC for revisions or forward the completed and accurate form to the NGB-J1-SAPR Disposition Officer for action.

c. Complete a final data quality assurance check, using the DSAID case number provided, ensuring the necessary data fields are complete and the case meets the requirements for future closure by the appropriate State SAPR Officer or servicing SARC.

d. After the Disposition Officer verifies that the DD Form 3114 information was updated in DSAID, inform the servicing State SAPR Officer or SARC they may close the case when the victim is no longer receiving or requesting SAPR services or is no longer eligible to receive such services.

e. Destroy the DD Form 3114 IAW reference f after the case synopsis upload in DSAID is verified. Notify State SAPR Officer or SARC to destroy all copies of the DD Form 3114 for that case.

4. State SAPR Officer and SARCs. The State SAPR Officer and SARCs will:

- a. Obtain the original DD Form 3114 at reference d and initiate the form by entering the DSAID control number and victim demographics (Section A).
- b. Provide the initiated DD Form 3114 for a specified victim after completion of the investigation or when requested from the servicing Judge Advocate (JA), for completion and return.
- c. Submit the completed DD Form 3114 received from the servicing JA to the appropriate NGB-J1-SAPR Regional Program Manager using a secure method such as an encrypted email or "DoD Safe" at reference e.
- d. Continue to document and track services referred to and requested by the victim from the time of the initial report of the sexual assault until the victim indicates they no longer need or want SAPR services or support and maintain communication with the appropriate NGB-J1-SAPR Regional Program Manager throughout the process.
- e. Destroy the DD Form 3114 IAW reference f and notify the appropriate NGB-J1-SAPR Regional Program Manager of destruction of the DD Form 3114.

5. Servicing JA. The servicing JA will:

- a. Coordinate with the State SAPR Officer or the servicing SARC, Provost Marshal Office, Commander, and other relevant entities, such as Military Criminal Investigative Organizations, the NGB Office of Complex Investigations (NGB-OCI), and civilian law enforcement agencies, to obtain case referrals, outcomes, and final disposition information for all unrestricted sexual assault cases.
- b. Document the information on the DD Form 3114 and verify that all blocks on the form are completed. An appeal of the final disposition by the subject will not delay case closure.
- c. Provide the completed document to the State SAPR Officer or the servicing SARC for processing by the NGB-J1-SAPR Disposition Officer and retain a copy IAW guidance and standards set forth by their respective offices. If an administrative investigation was completed, also provide a copy of the completed DD Form 3114 to NGB-OCI for closure of the investigation.

ATTACHMENT B

PROCEDURES

1. The text below describes procedures for submitting relevant sexual assault case information using the DD Form 3114.

a. The State SAPR Officer or servicing SARC must complete Section A of the DD Form 3114 and will provide the form to the servicing JA, if the subject is known, and coordinate with the victim's commander and the JA to complete all sections of DD Form 3114 if the subject is unknown and ensure no victim information is included.

b. If the subject is a Service member, the servicing JA completes Section B through Section I on the DD Form 3114, returns the form to the servicing State SAPR Officer or the servicing SARC, and retains a copy for their records. If an administrative investigation was completed, the servicing JA will provide a copy of the completed DD Form 3114 to NGB-OCI as well for closure of the investigation.

c. Upon receiving the completed DD Form 3114, the servicing State SAPR Officer or the servicing SARC will submit the completed DD Form 3114 to their Regional Program Manager using encrypted communications.

d. The NGB-J1-SAPR Regional Program Manager will review all data on the DD Form 3114 and confirm its accuracy, integrity, and completeness, and provide the form to the NGB-J1-SAPR Disposition Officer.

e. The NGB-J1-SAPR Disposition Officer will enter all data from the DD Form 3114 into the Legal Officer module within the DSAID and will advise the appropriate Regional Program Manager that the case can be closed providing it meets all the DSAID case closure requirements defined in Attachment C. After verifying and uploading the case synopsis, the Disposition Officer will destroy the DD Form 3114 IAW reference f.

f. The NGB-J1-SAPR Regional Program Manager will advise the servicing State SAPR Officer or the servicing SARC that the case can be closed provided it meets all the DSAID case closure requirements and the victim no longer requires or receives SAPR services as defined in Attachment C.

2. The servicing State SAPR Officer or the servicing SARC will close the case in DSAID upon notification from the NGB-J1-SAPR Regional Program Manager provided it meets all the DSAID case closure requirements and the victim no longer requires or receives SAPR services, and will destroy the DD Form 3114 IAW reference f. The servicing State SAPR Officer or the servicing SARC will notify their NGB-J1-SAPR Regional Program Manager that the case was closed.

3. Page four of DD Form 3114 contains instructions for completing the form. See Figure 1.

ATTACHMENT C

DEPARTMENT OF DEFENSE DD FORM 3114

CUI (when filled in)

DEPARTMENT OF DEFENSE UNIFORM COMMAND DISPOSITION REPORT					
<p>Disclosure of this information is voluntary and will be used to report the final disposition of all cases of sexual assault in which the alleged offender is a member of the Armed Forces and which the adult victim files an unrestricted report of alleged sexual assault made under the Family Advocacy Program (FAP), Sexual Assault Prevention and Response (SAPR), or Sexual Harassment/Assault Response Program (SHARP). see System of Records Notice DoD 0006, "Military Justice and Civilian Criminal Case Records." When completed, this form contains personally identifiable information and is protected by the Privacy Act of 1974, as amended.</p>					
A. Case Administrative Information					
1. Investigative Case Number	2. DSAID/FAP Case Number	3. Case Type	4. Was Alcohol Involved in the incident?		
5. Subject Name (Last, First, MI)	6. Subject Grade	7. Subject Type	8. Subject Sex	9. Subject Ethnicity	10. Subject Race
11. Select any referrals given to the subject <input type="checkbox"/> Mental Health <input type="checkbox"/> Chaplain/Spiritual Support <input type="checkbox"/> Alcohol/Drug Counseling <input type="checkbox"/> Medical <input type="checkbox"/> Legal <input type="checkbox"/> Other <input type="checkbox"/> None					
12. Was service member subject placed in pretrial confinement? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown If Yes, date (YYYYMMDD)		13. Did service member subject have a prior substantiated sexual assault allegation? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown If Yes, location?		14. Did service member subject have an accessions waiver for a prior sexual assault? <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> Unknown	
15. Victim Sex	16. Victim Grade	17. Victim Type	18. Victim Ethnicity	19. Victim Race	
20. (CONUS cases only) Was the victim advised of their right to request the case be prosecuted by courts-martial or in a civilian court with jurisdiction over the offense? <input type="checkbox"/> Yes <input type="checkbox"/> No If yes, include the date (YYYYMMDD) _____ and the victim's preference.					
B. Initial Case Disposition Information					
21. Is the subject under UCMJ jurisdiction? <input type="checkbox"/> Yes <input type="checkbox"/> No		22. If no, reason for no jurisdiction?			
23. Did legal review find probable cause for an offense under the UCMJ?			24. If no probable cause was found, what was the reason?		
25. If probable cause was found and subject is under UCMJ jurisdiction, did the command initiate punitive or administrative action? <input type="checkbox"/> Yes, action was initiated on a sexual assault offense (and non-sexual assault offenses, if warranted). <input type="checkbox"/> Yes, action was initiated on a non-sexual assault offense only. <input type="checkbox"/> No					
26. Select all of the following that apply. Report all applicable disposition information in subsequent sections. <input type="checkbox"/> Charges preferred to court-martial (even if case did not go to trial) <input type="checkbox"/> Administrative Separation (including in lieu of trial) <input type="checkbox"/> Charges brought to NJP/Article 15 <input type="checkbox"/> Other adverse administrative action					
27. Month & Year of Command Disposition Decision (MMYYYY)			28. Month & Year Command Disposition Completed (MMYYYY)		

Figure 1. DD Form 3114

CUI (when filled in)

C. Court-martial Information			
29. What, if any, sexual assault charges were preferred to court-martial? Select all that apply.			
<input type="checkbox"/> Attempt to commit a sexual assault (Art. 80)	<input type="checkbox"/> Rape (Art. 120)		
<input type="checkbox"/> Sexual Assault (Art. 120)	<input type="checkbox"/> Aggravated Sexual Assault (Art. 120)		
<input type="checkbox"/> Aggravated Sexual Contact (Art. 120)	<input type="checkbox"/> Abusive Sexual Contact (Art. 120)		
<input type="checkbox"/> Wrongful Sexual Contact (Art. 120)	<input type="checkbox"/> Non-consensual Sodomy (Art. 125)		
30. List any non-sexual assault charges preferred to court-martial. Include the UCMJ article and offense name. Ex. Art 92, Fraternalization; Art. 128, Assault; Art 132, Retaliation			
31. Was an Article 32 hearing held?		32. If yes, what was the Art 32 date? (YYYYMMDD)	
33. What was the Convening Authority's decision as to disposition?		34. Date of referral/dismissal/withdrawal? (YYYYMMDD)	
35. What, if any, charges were referred to court-martial? Include the UCMJ article and offense name.			
36. Court-martial Forum		37. Date of Court-martial? (YYYYMMDD)	38. Result of court-martial?
39. What charge(s) was subject convicted of? Include the UCMJ article and offense name. (Include UCMJ article and offense name)			40. Is sex offender registration required?
41. What sentence was adjudged at court-martial?			
42. Was subject separated in lieu of trial?	43. Date of separation? (YYYYMMDD)	44. Characterization of Service?	
D. Non-Judicial Punishment Information			
45. Did the command impose NJP for crimes arising out of the sexual assault investigation?		46. If yes, what charges were listed at NJP? Include the UCMJ article and offense name.	
47. Date punishment imposed (YYYYMMDD)	48. Result of NJP (list punishment if applicable)		
E. Administrative Separation			
49. Was subject processed for administrative separation?	50. Was this separation in lieu of trial?	51. Was this processing mandatory under service regulations?	
52. Basis for Separation?			53. Date of board or separation (YYYYMMDD)
54. Did subject waive the administrative board?	55. If subject went to a separation board, what was the board's decision?	56. If separated, what was the characterization of service?	
F. Other Adverse Administrative Action			
57. If subject received other adverse action not already recorded on this form, select all that apply:			
<input type="checkbox"/> Written counseling, admonishment, or reprimand	<input type="checkbox"/> Letter of instruction		
<input type="checkbox"/> Oral counseling, admonishment, or reprimand	<input type="checkbox"/> Cadet/Midshipman disciplinary system	<input type="checkbox"/> Other (explain in synopsis block)	
58. If Yes, date of adverse action (YYYYMMDD)			

Figure 1 continued. DD Form 3114

CUI (when filled in)

G. Civilian Authority Action		
59. Did civilian authorities investigate the case? <input type="checkbox"/>	60. Did civilian authorities prosecute the case? <input type="checkbox"/>	61. Civilian jurisdiction <input type="checkbox"/>
62. If known, what charges were prosecuted?		63. Date of civilian trial, if known (YYYYMMDD)
64. Did subject's command take adverse action due to civilian charges and/or trial? <input type="checkbox"/>	65. If known, results of civilian trial, including sentence if applicable	
H. Case Synopsis Information		
66. Use this section to describe the basics of the case, as well as any unique circumstances, such as any adverse action taken due to civilian prosecution of the subject, or if the subject was separated from service due to conduct unrelated to the reported sexual assault. Do not discuss the Sexual Assault Initial Disposition Authority SA-IDA's decision making process or privileged information. Consult with a judge advocate and review service guidelines for examples and required information for this section.		
I. Reporting Command Information		
67. Command POC Information: Name, Rank, Position, Email, and Phone Number		
68. Name and Contact Information for judge advocate consulted		69. Date of consultation (YYYYMMDD)

Figure 1 continued. DD Form 3114

CUI (when filled in)

INSTRUCTIONS	
<p>DEFINITIONS AND INSTRUCTIONS: General definitions and instructions for this form are below. See service instructions or regulations for more detailed information on completing this form.</p> <p>Section A: Investigative Case Number - Military Criminal Investigative Organization case number (CID, NCIS, AFOSI, CGIS)</p> <p>DSAID/FAP Case Number - Can be obtained from SARC or Victim Advocate. For multiple victims, list DSAID numbers with victim initials in the synopsis block.</p> <p>Case Type - Indicate whether this case was tracked through the Family Advocacy or Sexual Assault Prevention instructions.</p> <p>Subject Name - If the name of the subject is not known (or the victim declines to provide the name), enter "Unknown." Do not include victim information if subject information is unknown. Complete separate reports for multiple subjects. List companion subjects in the synopsis block.</p> <p>Subject's/Victim's Sex - Enter the sex reflected in the Defense Enrollment Eligibility Reporting System for a Service member or government identification for a civilian.</p> <p>Pre-trial Confinement - If a service member subject was placed in pre-trial confinement, include the date confinement began in this block.</p> <p>Prior Substantiated Allegation - If a service member subject has a prior adult substantiated sexual assault allegation that occurred before the sexual assault reported on this form, include the location of that prior allegation (i.e., military base or ship name, city/state, city/country)</p> <p>Section B: Probable Cause Determination - A probable cause determination is made by a Staff Judge Advocate or Trial Counsel. The investigative agency cannot give a probable cause determination for disposition purposes.</p> <p>Fiscal Year of Command Disposition Decision - This is the month and fiscal year the command decided to take the case to court-martial, non-judicial punishment (NJP), administrative board, other adverse action, or to take no action. This may be different than the year the action is completed.</p> <p>Fiscal Year Command Disposition Completed - This is the month and fiscal year of the court-martial, NJP, or administrative board, or other adverse action, or to take no action. This may be different than the disposition decision year.</p> <p>Section C: Court-martial Punishments - Possible punishments include: confinement, restriction, or hard labor (include duration); fines and/or forfeitures (include amounts and duration); reduction in rank (include rank); letters of reprimand; punitive discharges or dismissal.</p>	<p>Section D: Crimes arising out of the sexual assault investigation - This refers to misconduct that was identified as a result of the reported sexual assault and is related to the conduct at issue in the report. Examples include fraternization, underage drinking, assault consummated by a battery, or orders violations. Do not include misconduct the command was intending to punish the subject for prior to the assault (i.e., drug use) or misconduct that occurred after the assault but was not related to the assault. Results of the NJP - Include all punishments imposed at the NJP and indicate if any were suspended. If the misconduct was dismissed and no punishment was imposed, indicate that as well.</p> <p>Section E: Separation Board Decision - If the separation board recommended separation and the service decided to retain the subject, explain why subject was retained in the synopsis block. If the separation board recommended retention and the service decided to separate the subject, explain why in the synopsis block and under what provision the subject was separated (i.e., Best Interest of the Service (BIOTS)).</p> <p>Section F: Date of Adverse Admin Action - If date is not known, enter month and year command action was taken.</p> <p>Section G: Civilian Jurisdiction Information - Consult with the MCIO to determine if the civilian authorities chose to prosecute a service member or to determine if a civilian subject was prosecuted for an assault on a service member. See service instructions to determine when to submit this disposition form in the event of a civilian prosecution.</p> <p>Section H: If a victim signs a Section 540K Declination Letter, indicate that in this section.</p> <p>Section I: See service instructions for who is responsible for completing this form. In cases with known service member subjects, it is usually the SA-IDA. In cases with unknown subjects, it is usually the victim's command.</p>

Figure 1 continued. DD Form 3114

ATTACHMENT D

REFERENCES

- a. Chief of the National Guard Bureau Instruction 1300A.01, 26 June 2020, "National Guard Sexual Assault Prevention and Response Program"
- b. Department of Defense (DoD) Directive 6495.01, 23 January 2012, "Sexual Assault Prevention and Response (SAPR) Program," Incorporating Change 5, 10 November 2021
- c. Title 10 United States Code Section 1561, "Complaints of Sexual Harassment: Investigation by Commanding Officers"
- d. DoD, Form DD 3114, 03 January 2022, "Department of Defense Uniform Command Disposition Report" <<https://www.esd.whs.mil/>>, Accessed 21 July 2022
- e. DoD Safe, <<https://safe.apps.mil/>>, Accessed 21 July 2022
- f. National Archives and Records Administration, March 2022, 5.0 "General Operations Support," Section 5.2, "Transitory and Intermediary Records," Last modified July 2017

ATTACHMENT E

DEFINITIONS

Defense Sexual Assault Incident Database Case Closure -- The assigned Sexual Assault Response Coordinator, Major Command and Supervisory Sexual Assault Response Coordinators, or Service Sexual Assault Prevention and Response Program Manager closes a Defense Sexual Assault Incident Database case. A Defense Sexual Assault Incident Database case can be closed only if the investigation activity is complete and there is a final case disposition for an Unrestricted Report, all referrals for the victims are complete, and the incident is no longer under discussion by the Case Management Group.

Final Case Disposition -- Final case disposition for a substantiated case occurs when the accused is sentenced through a court-martial or by a civilian court, received non-judicial punishment, a completed administrative action, or when the decision was made that no action will be taken. Final case disposition for a non-substantiated case occurs when the commander determines whether an action will be taken against the accused. A subject's appeal to the case disposition has no effect on the case closure.